

AO 91 (Rev. 11/11) Criminal Complaint

U.S. DISTRICT COURT - N.D. OF N.Y.

FILED

UNITED STATES DISTRICT COURT
for the

Northern District of New York

John M. Domurat, Clerk - Syracuse

UNITED STATES OF AMERICA

v.

Carlos FURBINO-De Jesus

Defendant.

Case No.

8:23-mj-660 (TWD)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of November 7, 2023, in the county of Clinton in the Northern District of New York the defendants violated:

Code Section


8 U.S.C. § 1324(a)(1)(A)(ii)

Offense Description

The Defendant, knowingly and in reckless disregard of the fact that aliens have come to, entered, or remained in the United States in violation of law, did transport, move and attempt to transport and move, such aliens within the United States by means of transportation or otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

U.S. Border Patrol Agent Adam M. Matott

Printed name and title

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: Nov. 8, 2023


Judge's signature

City and State: Syracuse, New York

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

Continuation Sheet, United States v. Carlos FURBINO-De Jesus.

This criminal complaint is based on the following facts:

On November 7, 2023, at approximately 4:35 a.m., Burke Border Patrol Agents (BPAs) encountered a white Ford Explorer bearing New Jersey license plates M85RSH, driving westbound on US Highway 11 (US 11) in Ellenburg, NY. BPAs commonly encounter out-of-state registered vehicles in human smuggling cases because the driver typically isn't from the immediate area. For that reason, BPAs followed the Explorer.

The Explorer appeared to abruptly brake when it saw a marked Border Patrol Vehicle that was parked near the intersection of Lost Nation Road and US 11. The Explorer turned north on Lost Nation Road in Churubusco, NY. Lost Nation Road is a north-south traveling road, that ends at Frontier Road, less than one mile from the International Boundary with Canada. Lost Nation Road is commonly used by human smugglers due to its remoteness and easy access to main routes of egress. BPAs have witnessed a dramatic increase in human smuggling on Lost Nation Road in recent months.

Approximately five minutes later, the Explorer was encountered traveling southbound on Lost Nation Road. The Explorer crossed over US 11 and continued south onto Ryan Road.

Due to the early hour of the morning, the presence of an out-of-state registered vehicle, and the quick turn-around on a highly utilized road for human smuggling near the International Boundary, BPAs activated their emergency lights and sirens and performed a vehicle stop on the Explorer on Ryan Road in Churubusco, NY.

BPAs approached the vehicle and identified themselves as such. BPAs observed a driver and five passengers. The five passengers were soaking wet and covered in burdocks, which is common to see with individuals that have just illegally entered the United States through the wooded area in Churubusco, NY. BPAs questioned each occupant as to their citizenship and immigration status. The driver, later identified as Carlos FURBINO-De Jesus, refused to answer, and just stared directly ahead. When asked their citizenship and immigration status, all five passengers claimed to be Mexican citizens with no legal right to be in the U.S. All five freely admitted to crossing the border illegally a short time prior.

At that time, all six subjects were arrested and transported to the Burke Border Patrol Station for records checks, interviews, and processing.

At the station, biographical information and fingerprints were entered into Department of Homeland Security databases for all six subjects. Record checks confirmed information previously gathered roadside and revealed that FURBINO-De Jesus is a Brazilian citizen present in the U.S. with a pending immigration court date.

FURBINO-De Jesus was read *Miranda* rights and agreed to speak to agents without a lawyer present. In his interview, FURBINO-De Jesus stated he was contacted by a woman who asked him to pick up five people in Upstate New York, and he agreed because he needed money. FURBINO-De Jesus stated he was going to be paid \$800.00 to pick up the people. FURBINO-De Jesus stated he picked the five people up and they came out from the woods before getting into his car. FURBINO-De Jesus stated that he felt he didn't do anything wrong because he didn't cross the people, he just picked them up. FURBINO-De Jesus stated he deleted all his text messages regarding this trip, because that's what he was told to do.

One of the passengers, with the initials J. N-M was read *Miranda* rights and agreed to answer questions without a lawyer present. In his interview, J. N-M stated he made smuggling arrangements with a man named "Nain." J. N-M stated that "Nain" told him the pick-up vehicle would be a white Explorer, and that the white Explorer would

Continuation Sheet, United States v. Carlos FURBINO-De Jesus.

pass their location at the pick-up location and then turn around, to signal that was their ride. J. N-M stated he was going to pay \$5,800.00 to be smuggled into the U.S. and had already sent \$2,000.00 via bank transfer to Mexico.